

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHARLES NELSON,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 3:18-cv-00029-RCJ-CLB

**ORDER GRANTING MOTION FOR
EXTENSION OF TIME (ECF NO. 40)**

In this habeas corpus action, the petitioner, Charles Nelson, represented by appointed counsel, was due, after three extensions of time totaling 271 days, to file a second amended habeas petition by April 6, 2020. See Order filed July 8, 2019 (ECF No. 33); Order filed October 7, 2019 (ECF No. 37); Order filed January 23, 2020 (ECF No. 39).

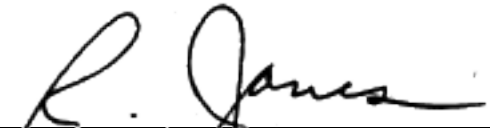
On April 6, 2020, Nelson filed a motion requesting a fourth extension of time (ECF No. 40). Nelson's counsel states that this fourth extension of time is necessary primarily because of difficulties caused by the COVID-19 pandemic. He represents that this is a complex case; that Nelson is serving eight sentences of life without the possibility of parole, three of them consecutive; that it took time to gather the extensive record; that it took time to develop a good relationship with Nelson; that an investigator was appointed on or about January 27, 2020; and that the investigation is ongoing but has been hampered by restrictions caused by the COVID-19 pandemic. Under these circumstances, the Court finds that the motion for a fourth extension of time is made in good faith and not solely for the purpose of delay, and that there is good cause for an extension of time.

1 Nelson requests an extension of time to about six weeks after the rescission of
2 the stay at home order that has been imposed due to the COVID-19 outbreak, and after
3 non-essential businesses reopen. The Court, however, prefers to set a date certain and
4 will set a due date at the end of July. The Court expects Nelson's counsel and
5 investigator to do what work can reasonably and safely be done on this case while the
6 stay at home order is in place, and the Court expects counsel to make a good faith
7 effort to meet this due date. However, if restrictions resulting from the COVID-19
8 outbreak continue into the summer, and make this due date unworkable, Nelson may
9 move for a further extension of time.

10 **IT IS THEREFORE ORDERED** that Petitioner's motion for extension of time
11 (ECF No. 40) is **GRANTED**. Petitioner will have until and including **July 31, 2020**, to file
12 his second amended habeas petition.

13 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
14 proceedings set forth in the order filed March 12, 2019 (ECF No. 22) will remain in
15 effect.

16 DATED THIS 28th day of April, 2020.

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20 ROBERT C. JONES,
21 UNITED STATES DISTRICT JUDGE
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